
SENATE BILL No. 53

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5-10.8.

Synopsis: DeKalb superior court. Establishes a second superior court in DeKalb County. Provides that the initial judge of the second DeKalb superior court is appointed for a term beginning January 1, 2005. Eliminates the DeKalb County small claims referee. (The introduced version of this bill was approved by the commission on courts.)

Effective: July 1, 2004.

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November 21, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 53

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-5-10.8-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. There is established
3 a court of record to be known as the DeKalb superior court (referred to
4 as "the court" in this chapter). The court may have a seal containing the
5 words "DeKalb Superior Court No. 1, DeKalb County, Indiana" or
6 "**DeKalb Superior Court No. 2, DeKalb County, Indiana**". DeKalb
7 County comprises the judicial district of the court.

8 SECTION 2. IC 33-5-10.8-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The court has ~~one~~
10 ~~(1) judge~~ **two (2) judges** who shall be elected at the general election
11 every six (6) years in DeKalb County. ~~His~~ **A judge's** term begins
12 January 1 following ~~his~~ **the judge's** election and ends December 31
13 following the election of ~~his~~ **the judge's** successor.

14 (b) To be eligible to hold office as judge of the court, a person must:

15 (1) be a resident of DeKalb County;

16 (2) be under seventy (70) years of age at the time ~~he~~ **takes of**
17 **taking** office; and



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(3) be admitted to the bar of Indiana.

SECTION 3. IC 33-5-10.8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. ~~The~~ **Each** judge of the court has the same powers relating to the conduct of the business of the court as the judge of the DeKalb circuit court. ~~The~~ **Each** judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 4. IC 33-5-10.8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. ~~The~~ **Each** judge of the court shall appoint a bailiff and an official court reporter for the court; their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the DeKalb circuit court. Their salaries shall be paid monthly out of the treasury of DeKalb County as provided by law.

SECTION 5. IC 33-5-10.8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The clerk of the court, under the direction of the ~~judge~~ **judges** of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

SECTION 6. IC 33-5-10.8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. The court shall hold its sessions in the DeKalb County courthouse in Auburn, Indiana, or in such other places in the county as the board of county commissioners of DeKalb County may provide. The board of county commissioners shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of DeKalb County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 7. IC 33-5-10.8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. The judge of the DeKalb circuit court may, with the consent of ~~the~~ **a** judge of the court and of the parties or their counsel, transfer any action or proceeding from the circuit court to the court. ~~The~~ **A** judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, transfer any action or proceeding from the court to the circuit court.

SECTION 8. IC 33-5-10.8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. The judge of the DeKalb circuit court may, with the consent of ~~the~~ **a** judge of the court and of the parties or their counsel, sit as a judge of the court in any

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1 matter as if ~~he was the judge were~~ an elected judge of the court. ~~The~~
 2 A judge of the court may, with consent of the judge of the circuit court
 3 and of the parties or their counsel, sit as a judge of the circuit court in
 4 any matter as if ~~he was the judge were~~ an elected judge of the circuit
 5 court.

6 SECTION 9. IC 33-5-10.8-17 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. ~~(a)~~ The **court of**
 8 **each judge of the superior** court has a standard small claims and
 9 misdemeanor division.

10 ~~(b)~~ If the county executive establishes the position of small claims
 11 referee to serve the court, the judge of the court may appoint a
 12 part-time small claims referee under IC 33-5-2.5 to assist the court in
 13 the exercise of its small claims jurisdiction.

14 ~~(c)~~ The small claims referee is entitled to reasonable compensation
 15 not exceeding twenty thousand dollars (\$20,000) a year as
 16 recommended by the judge of the court to be paid by the county after
 17 the salary is approved by the county fiscal body. The state shall pay
 18 fifty percent (50%) of the salary set under this subsection and the
 19 county shall pay the remainder of the salary.

20 ~~(d)~~ The county executive shall provide and maintain a suitable
 21 courtroom and facilities for the use of the small claims referee;
 22 including necessary furniture and equipment.

23 ~~(e)~~ The court shall employ administrative staff necessary to support
 24 the functions of the small claims referee.

25 ~~(f)~~ The county fiscal body shall appropriate sufficient funds for the
 26 provision of staff and facilities required under this section.

27 SECTION 10. [EFFECTIVE JULY 1, 2004] **(a)** Notwithstanding
 28 the amendment of IC 33-5-10.8 by this act, the DeKalb superior
 29 court is not expanded to two (2) judges until January 1, 2005.

30 **(b)** The governor shall appoint a person under IC 3-13-6-1(c) to
 31 serve as the initial judge of the DeKalb superior court No. 2 added
 32 by IC 33-5-10.8-1, as amended by this act.

33 **(c)** The term of the initial judge appointed under subsection (b)
 34 begins January 1, 2005, and ends December 31, 2006.

35 **(d)** The initial election of the judge of the superior court added
 36 by the amendment of IC 33-5-10.8 by this act is the general election
 37 on November 7, 2006. The term of the initially elected judge begins
 38 January 1, 2007.

39 **(e)** Notwithstanding amendment of IC 33-5-10.8-17 by this act,
 40 the part-time small claims referee appointed under IC 33-5-10.8-17
 41 shall continue to assist the superior court in the exercise of its small
 42 claims jurisdiction until December 31, 2004.

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1 (f) This SECTION expires January 2, 2007.

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